



Special - Regular Meeting Agenda

City Council

Rich Constantine - Mayor
John McKay - Mayor Pro Tem
Gino Borgioli - Council Member
Yvonne Martinez Beltran - Council Member
Rene Spring - Council Member

Wednesday, June 2, 2021 5:30 p.m.

Virtual Meeting

VIRTUAL MEETING GUIDELINES AND PUBLIC COMMENT

In accordance with Executive Order, N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. Physical meetings will not be in the City Council Chamber until further notice.

City Council meetings will be live-streamed on Channel 17, on the City's website, and the City's Facebook page. Those community members who would like to participate in the meetings remotely may do so by joining the virtual meeting: <https://bit.ly/MHCityCouncilMeeting> or by calling: (669) 900-9128, then enter the webinar id: 873 3200 8380#.

Public comment may be provided in the following ways:

- Join the virtual City Council meeting via the link above; when public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes
- Join the virtual meeting by calling the number above, dial *9 to raise your hand, and be called upon to speak for up to 3 minutes
- Send public comments in writing to the City Clerk at ccpubliccomment@morganhill.ca.gov <<mailto:ccpubliccomment@morganhill.ca.gov>>

* Please note that comments made on Facebook are not considered public comments.

SPECIAL/REGULAR MEETING

A special meeting of the City Council is called at 5:30 p.m. for the purpose of conducting a Housing Workshop: State Mandates for Housing Production.

5:30 p.m.

Housing Workshop: State Mandates for Housing Production

7:00 p.m.

Regular City Council Meeting.

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2

City Clerk Michelle Bigelow

HOUSING WORKSHOP

This workshop is the second in a series of Housing Workshops that will look at the current and future state of housing in Morgan Hill. This workshop is called "State Mandates for Housing Production." Staff will present and discuss the following:

1. What is the Housing Element and Regional Housing Needs Allocation (RHNA)?
2. What are the recent laws that affect housing production, application processing, and City regulations?
3. What laws are expected in the future?

WORKSHOP PRESENTATION

PROCLAMATION

Proclaiming the Month of June 2021 as Pride Month

CITY COUNCIL REPORTS

Council Member Borgioli

CITY MANAGER'S REPORT

City Manager Christina Turner

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes.

June 2, 2021

Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. APPOINTMENT OF COMMISSIONERS TO THE MORGAN HILL PLANNING COMMISSION

Recommendation:

Reappoint Laura Gonzalez Escoto, Malisha Kumar, and Mohamad Habib to serve on the Morgan Hill Planning Commission with terms ending June 1, 2025.

2. APPROVE SCHOOL RESOURCE OFFICER MEMORANDUM OF UNDERSTANDING FOR FISCAL YEAR (FY) 2021-22

Recommendation:

Authorize the City Manager to execute and administer the Memorandum of Understanding with the Morgan Hill Unified School District accepting funds for one School Resource Officer in the amount of \$130,000 for Fiscal Year 2021-22.

3. AWARD 2021 PAVEMENT REHABILITATION PROJECT TO A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION

Recommendation:

1. Approve 2021 Pavement Rehabilitation Project plans and specifications;
2. Award contract to A. Teichert & Son, Inc. DBA Teichert Construction for the 2021 Pavement Rehabilitation Project in the amount of \$2,131,400;
3. Authorize expenditure of construction contingency not to exceed \$532,850; and
4. Authorize the City Manager to execute and administer the construction contract with A. Teichert & Son, Inc. DBA Teichert Construction.

4. APPROVE REFINANCING FOR SKEELS HOTEL APARTMENTS

Recommendation:

Authorize City Manager to negotiate and approve re-subordination of existing City loan in the principal amount of \$153,331 and accrued interest of approximately \$74,000 for 13-unit Affordable Housing Apartment Complex.

5. APPROVE AMENDMENT TO CONSULTANT AGREEMENT WITH HOUSEKEYS, INC FOR BELOW MARKET RATE (BMR) AND LOAN ADMINISTRATION SERVICES

Recommendation:

1. Approve Second Amendment to Consultant Agreement, for BMR and Loan Administration services through June 30, 2022, for an additional \$550,000, totaling \$2,150,000 from July 1, 2018 – June 30, 2022; and
2. Authorize the City Manager to execute and administer the contract.

6. APPROVE SERVICE MAINTENANCE AGREEMENT WITH SALINAS PUMP COMPANY

Recommendation:

Approve and authorize the City Manager to execute a three-year agreement with Salinas Pump Company in the total not-to-exceed amount of \$750,000 for on-call routine and emergency repair, maintenance, and rehabilitation of the City's water wells and booster stations.

7. ADOPT RESOLUTION AUTHORIZING THE CITY TO CONTINUE PARTICIPATION IN THE SANTA CLARA COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY PROGRAM

Recommendation:

Adopt resolution authorizing the City of Morgan Hill to continue participation in the 10-year term of the Santa Clara County Abandoned Vehicle Abatement Service Authority Program.

8. ADOPT ORDINANCE 2322, NEW SERIES, AMENDING CHAPTER 13.20 ("SEWERS AND INDUSTRIAL WASTE") OF TITLE 13 ("PUBLIC SERVICES") TO REQUIRE THE INSPECTION AND REPAIR OF PRIVATE SEWER LATERALS AND PRIVATE SANITARY SEWER COLLECTION SYSTEMS

Recommendation:

Waive the reading, adopt Ordinance No. 2322, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

9. ADOPT ORDINANCE 2323, NEW SERIES, ADDING SECTION, 13.04.335 ("PLUMBING FIXTURE RETROFIT REGULATIONS") OF CHAPTER 13.04 ("WATER SYSTEM") OF TITLE 13 ("PUBLIC SERVICES"), ESTABLISHING WATER EFFICIENCY STANDARDS FOR INTERIOR PLUMBING FIXTURES WHEN CHANGES IN OWNERSHIP OF REAL PROPERTY OCCUR

Recommendation:

Waive the reading, adopt Ordinance No. 2323, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

PUBLIC HEARING

**10. TAX AND EQUITY FISCAL RESPONSIBILITY ACT (TEFRA) HEARING APPROVING
ISSUANCE OF BONDS FOR DEPOT COMMONS AFFORDABLE HOUSING
APARTMENTS AT 17145 DEPOT STREET AND THE WILLOWS AFFORDABLE
HOUSING APARTMENTS AT 50 W. EDMUNDSON AVENUE WITHIN THE CITY OF
MORGAN HILL**

Recommendation:

1. Open/close public hearing consistent with the requirements of the Federal Tax and Equity Fiscal Responsibility Act ("TEFRA") and Section 147 (f) of the Internal Revenue Code of 1986, as amended (the "Code"); and
2. Adopt resolution approving the issuance of bonds by the California Municipal Finance Authority (CMFA), for the acquisition, rehabilitation, expansion and improvement of two multifamily rental housing facilities: Depot Commons, located at 17145 Depot Street and The Willows, located at 50 W. Edmundson Avenue.

Estimated Time: 10 Minutes

**11. APPROVE RESOLUTION ORDERING ANNUAL ASSESSMENTS AND RELATED
ACTIONS FOR CITY OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT
NUMBER 1 (DISTRICT)**

Recommendation:

1. Open the Public Hearing; and
2. Continue the item to the June 16, 2021 City Council Meeting.

Estimated Time: 5 Minutes

OTHER BUSINESS

**12. RECEIVE REPORT REGARDING SENATE BILL (SB) 743 LEVEL-OF-SERVICE (LOS)
TO VEHICLE-MILES-TRAVELED (VMT)**

Recommendation:

Accept presentation by Staff and Nelson\Nygaard Consulting Associates, Inc. regarding the City's implementation of State Senate Bill (SB) 743 transition from Level-of-Service (LOS) to Vehicle-Miles-Traveled (VMT) metric for transportation analysis under the California Environmental Quality Act (CEQA).

Estimated Time: 60 Minutes

**13. RECEIVE REPORT AND PROVIDE DIRECTION ON FRAMEWORK FOR DIVERSITY,
EQUITY, AND INCLUSION WORK PROGRAM.**

Recommendation:

Receive report and provide direction on framework for Diversity, Equity, and Inclusion work program.

Estimated Time: 30 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

Conference with Legal Counsel - Existing Litigation

Authority: Pursuant to CA Govt. Code Section 54656.9(a).

Case Name: Alanis v. City of Morgan Hill

Case Numbers: Workers' Compensation Claim No: MHL1800006

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

SUSTAINABLE MORGAN HILL



VISION

To sustain a safe, equitable, inclusive, socially responsible, environmentally conscious, and economically sound community

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Equity, Diversity, and Inclusiveness
- Advancing Regional Initiatives
- Advocating for Local Control

2020-2021 Strategic Priorities

- **Fiscal Sustainability**
- Affordable Housing and Homelessness
- Community Outreach, Engagement, and Messaging
- Economic Development
- Transportation



These strategic priorities were established prior to the COVID-19 pandemic. In light of recent events, we recognize that all of these goals and priorities will be viewed through the lens of the global pandemic, and we will continue to have equity, public health, and financial responsibility in mind.

